

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		January 19, 2017	February 2, 2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		County of San Bernardino	
4. REGULATION CITE(S):		7. SUBJECT:	
INA 243(h)/241(b)(3), CFR 273.4, 63-300.5, 63-405		Withholding of Deportation	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
Noncitizen customer presents a Temporary Employment Authorized card with the status code of 274a.12(a) (10) or A10. Per ACIN I-102-10, page 171, individuals with this card have a citizenship type of EAD - Deportation Withheld. They are immediately eligible to food stamps pending verification and per the comments the agency should "Refer to Withholding Deportation (Need Judge's order showing deportation or removal withheld subject to 243(h) or 241(b)(3) of INA and date of order)." Per page 46 of the ACIN, Individuals with "Withholding of Deportation/Cancellation of Removal" are qualified noncitizens and are eligible for federal food stamp benefits.		Title 7 CFR 273.4(a)(5)(i), 63-300.5(e)(2), 63-405.114, SNAP Guide 06/2011 Section I & p. 48, Federal Register Vol. 65 p. 58301, PRWORA 8 U.S.C. Sec. 1641	

Question: Are noncitizens with a Temporary Employment Authorized card with the status code of 274a.12(a) (10) or A10 automatically eligible to CalFresh? Or must they first provide, as per page 171, a copy of the Judge's order showing deportation or removal withheld subject to 243(h) or 241(b)(3) of INA and date of order.

10. REQUESTOR'S PROPOSED ANSWER:

Noncitizens with a Temporary Employment Authorized card with the status code of 274a.12(a) (10) or A10 must first provide, as per page 171, a copy of the Judge's order showing deportation or removal withheld subject to 243(h) or 241(b)(3) of INA and the date of order before being determined eligible to CalFresh.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Noncitizen status is required verification for CalFresh benefits. For Cancellation of removal/deportation withheld, documentation is necessary. CalFresh benefits are not provided to those with a formal order of deportation. According to page 48 of the June 2011 SNAP Noncitizen Guide and on page 58301 of the Federal Register Volume 65, a government agency "knows" a noncitizen is unlawfully present in the U.S. only when the agency's noncitizen status determination is supported by the Department of Homeland Security (via SAVE) or by the Executive Office for Immigration Review through "a Final Order of Deportation". A signed and dated judge's order canceling deportation is necessary citing INA section 243 (h) or 241(b)(3). The signed and dated court order should show deportation withheld or cancellation of removal, issued by the USCIS, the Board of Immigration Appeals, or a federal court temporarily halting the execution of a deportation or removal before CalFresh eligibility is determined.

FOR CDSS USE

DATE RECEIVED:

01/19/2017

DATE RESPONDED TO COUNTY/ALJ:

01/25/2017sc